

**Town of Halfmoon Zoning Board of Appeals**  
**Meeting – Monday, December 7, 2015**  
**7:00 PM**

Chairman Rose called the meeting to order at 7:00 PM on Monday, December 7, 2015 at the Halfmoon Town Hall with the following members present:

Members - Vice-Chairman Tedrow, Mr. Hansen, Mr. Burdyl and Mr. Brennan  
Alternate Member - Mrs. Curto (Absent)  
Planner - Mr. Marlow  
Town Attorney - Mrs. Cathy Drobny

*Motion made by Mr. Tedrow and seconded by Mr. Burdyl that the minutes of October 5, 2015 be approved as presented. Motion was carried unanimously.*

**Public Hearing**

**Perkins Addition, 27 Dewey Ave- Area Variance**

Mr. Bruce Steves P.C. presented the variance application for the proposed area variance required by the addition to the existing single-family home. The proposed variance is for a front yard setback pursuant to section 165-32(e); the primary structure requires a 21.42-foot setback (average front yard setback for the adjacent lots within 300 feet of either side), and the existing home at its closest point is 19.1 feet, requiring a variance of 2.32 feet.

Chairman Rose opened the Public Hearing at 7:08 PM, the notice was not read.

Chairman Rose closed the Public Hearing closed at 7:10 PM, no one chose to speak.

There was a site visit on Saturday, December 5, 2015.

Pursuant to Article XIV Section 165-79 the following resolution was made:

- 1) Vice-Chairman Tedrow commented: There will be no change to the character of the neighborhood. The proposal is consistent with the layout of the existing homes in the neighborhood.
- 2) Mr. Hansen commented: There is no other feasible method to address the proposed addition, it would be impractical to set it further back.
- 3) Mr. Hansen commented: It is not a substantial request.
- 4) Chairman Rose commented: There will be no adverse impact; there is adequate property between neighbors and it is consistent with the other homes in the area.
- 5) Vice-Chairman Tedrow commented: It is self-created but doesn't preclude the granting of the Area Variance.

*Vice-Chairman Tedrow made a motion to approve the Area Variance, seconded by Mr. Burdyl. Motion was carried.*

**New Business:****RCC Enterprises DBA Maple Leaf Childcare Inc., 41 Werner Road- Use Variance (SBL# 272-4-71.11)**

Mr. Paul Marlow clarified that the Planning Board felt as if, due to the enlargement in the number of students in the proposed daycare, this was an expansion of a pre-existing/non-conforming use and as such required the Use Variance.

The Board asked questions regarding allowed uses in the zoning district and what the proposed use would fall under. Mr. Marlow clarified the allowed uses in that zoning district and that the proposed use is not permitted and as a result the use variance is required.

Mrs. Linda Moran presented the application for a proposed Use Variance, explaining the proposed to operate a daycare and have approximately 100 students. Section 165-66 of the Town Code prohibits the enlargement of a preexisting, nonconforming use; the applicant is seeking approval to expand the use of a portion of the site as a childcare/daycare center, which is not a permitted use in the A-R Agriculture Residential zoning district.

Chairman Rose asked who permits them to operate as a daycare; Mrs. Moran stated that is if the Office of Children and Family services (OCFS) who regulates the permitting for their daycare.

Mr. David Ross, the property owner, explained the history of the site and previous tenants, stating that they had received approvals in the past to operate on the site, as well as explained that over the years the number of children permitted has declined due to the fact that the business began to dwindle.

Chairman Rose asked Mr. Marlow to locate the previous approvals/variances for the prior tenants to enter into the record for the next meeting.

The Board will conduct a site visit on January 2, 2015.

*Mr. Tedrow made a motion to set a Public Hearing at the January 4, 2016 meeting, seconded by Mr. Hansen. Motion carried.*

**Newmeadow School, 23 Sitterly Road- Area Variance (SBL# 278.-1-16.12)**

Mr. Gavin Vuillaume presented the proposed Area Variance. The applicant is proposing to construct a 20,000 SF non-for-profit school. The proposed school specializes in education for children with autism and other developmental disabilities. Due to site constraints the applicant is seeking a front yard setback pursuant to section 165-Schedule A: The primary structure requires a 50-foot setback, and the proposed construction they will have a 30-foot front yard setback, requiring an 20-foot variance

Mr. Matt Sickles, architect, presented the proposed floor plan of the building and explained the proposed design layout, the Board entered the plan into the record.

Chairman Rose asked who regulates the permitting for this school; Mr. Andrew McKenzie clarified that they are permitted through the New York State Department of Education and Office of Children and Family services (OCFS).

The Board discussed with the applicant potential redesigns to elevate the proposed variances, and the proposed traffic generated from the project; Mr. Vuillaume clarified that the site could not be reoriented and they plan to have approximately 68 cars and 15 buses on site each day, with approximately 25 parent drop-offs each day.

The Board will conduct a site visit on January 2, 2015.

*Mr. Hansen made a motion to set a Public Hearing at the January 4, 2016 meeting, seconded by Mr. Burdyl. Motion carried.*

### **Clifton Park Church of Christ, 7 Old Route 146- Area Variance (SBL# 272.10-1-21)**

Mr. Gavin Vuillaume presented the proposed Area Variance. The applicant is seeking approval from the Planning Board to subdivide the existing 1.82 acre parcel into two separate lots. The lot as it sits contains the Clifton Park Church of Christ and a vacant office building; the Church would like to subdivide the lot in order to sell off the office building. As a result of the subdivision, the newly created lot which will contain the existing office building, will no longer be compliant as it will not meet today's lot requirements and requires several area variances.

Chairman Rose asked if there was a potential buyer for the property, Mr. John Rude explained they did not have any potential buyers yet.

Chairman Rose cautioned the applicants that a future buyer would have a difficult time obtaining similar variance(s) if they should ever need one.

The Board had discussions with the applicant with regards to the proposed parking layout and the feasibility of the parking layout.

The Board asked that the application be presented to the Planning Board for an advisory opinion of the proposed site layout, with a specific eye on the proposed parking layout.

The Board tabled the application until the January 4, 2016 meeting.

*Mr. Burdyl made a motion to adjourn the meeting, seconded by Mr. Brennan. Motion carried.*

These are summary minutes and are not word for word at the request of the Zoning Board of Appeals. A copy of the recorded tape is available by F.O.I.L. through the Town Clerk.

Meeting adjourned at 8:02 PM.

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